## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

DESMOND WITHERSPOON,

Civil Action No. 14-6824 (SRC)

Plaintiff,

v.

OPINION

SHAMEEKA ROSARIO,

Defendant.

rendant.

## CHESLER, District Judge

This matter comes before the Court on the application filed by Plaintiff Desmond
Witherspoon to proceed in forma pauperis without fees under 28 U.S.C. § 1915. The Court finds
that Plaintiff qualifies for in forma pauperis status, yet his Complaint will be dismissed. The
Court must examine Plaintiff's claim and dismiss it if frivolous or legally insufficient. 28 U.S.C.
§ 1915(e)(2). Here, Plaintiff demands a "Sex Contract" based on a cause of action of "Soliciting
sex: Sexual Abuse." No further information is provided. As such, Plaintiff has failed to state a
basis for federal subject matter jurisdiction, and he has failed to state a facially plausible claim
for relief. For the reasons provided in the Opinion for Civil Action No. 14-6296, Plaintiff is on
notice that he may be sanctioned if he continues to file unsubstantiated and repetitive lawsuits.
An appropriate Order will be filed.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge

Dated: November 3, 2014